

REMARKS

1 The Examiner has rejected claims 1-4 under 35 U.S.C. § 103(a) as being
unpatentable over Abts (U.S. 6,337,971) in view of Gaulke, et al. (U.S. 5,737,707) and
further in view of Smith et al. (U.S. 6,600,971). Specifically, the Examiner states that
5 the Abts reference does not expressly disclose a single wireless RUI for directly
transmitting telemetry to the irrigation components and ancillary equipment to control
the same. The Examiner states that it would have been obvious to a person of ordinary
skill in the art to modify the paging system taught by the Abts reference with the
integrated phone and pager taught by the Gaulke, et al. reference and the distributed
10 control network taught by the Smith et al. reference to operate controllers in a local
mode via a user interface and in a remote mode via a wireless handheld unit.

 In determining the difference between the prior art and the claims, the question
under 35 U.S.C. § 103 is not whether the differences themselves would have been
15 obvious, but whether the claimed invention as a whole would have been obvious.
Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983). A
prior art reference and the claimed invention must be considered in their entireties.
Distilling an invention down to the "jist" or "thrust" of an invention disregards the
requirement of analyzing the subject matter "as a whole." W. L. Gore & Associates, Inc.
20 v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S.
851 (1984). Obviousness can only be established by combining or modifying the
teachings of the prior art to produce a claimed invention where there is some teaching,
suggestion, or motivation to do so, found either explicitly or implicitly in the references

1 themselves or in the knowledge generally available to one of ordinary skill in the art.
The test for an implicit showing is what the combined teachings, common knowledge of
one of ordinary skill in the art, and the nature of the problem to be solved as a whole
would have suggested to those of ordinary skill in the art. In re Kotzab, 217 F.3d 1365,
5 55 USPQ 2d 1313 (Fed. Cir. 2000). In the Kotzab case, the Federal Circuit decided that
the control of multiple valves by a single sensor, rather than by multiple sensors, was a
technologically simple concept. However, the Federal Circuit held that there was no
finding as to the specific understanding or principle within the knowledge of the skilled
artesian that would have provided the motivation to use a single sensor as the system
10 to control more than one valve.

Claims 1, 3 and 4 are independent claims. Each claim is comprised of a
limitation requiring a single, handheld, wireless RUI that directly transmits telemetry to
the irrigation components to control the same. None of the cited prior art provide a
15 single wireless RUI that directly transmits telemetry to irrigation components. The Abts
reference clearly discloses a pair of wireless components that must first communicate
with a paging terminal 110 that communicates with a central computer 90, which then
communicates with a remote terminal unit, which communicates with the pivot control
40. No direct wireless telemetry transmission occurs between the handheld device and
20 the irrigation component. Similarly, in the Smith et al. reference, the handheld device
25 is coupled with a sensor 21 that is coupled with a second sensor 21, which is
coupled to the satellite controller, which is coupled with the sprinkler valve. Accordingly,
no direct wireless telemetry transmission occurs between the handheld device and the
25

1 irrigation equipment. The Gaulke et al. reference is cited by the Examiner as teaching a
single handheld device that combines a pager device and a cellular telephone.
However, the Gaulke et al. reference does not teach that the device is capable of
wireless telemetry transmission directly to an irrigation component for control of the
same. Accordingly, none of the references teach or otherwise describe this limitation
5 within independent claims 1, 3 or 4. Reviewing these prior art references provides no
indication as to the specific understanding or principle within the knowledge of the
skilled artisan that would have provided the motivation to directly transmit telemetry to
an irrigation component using a single wireless RUI. In re Kotzab, 217 F.3d 1365, 55
10 USPQ 2d 1313 (Fed. Cir. 2000). Accordingly, the claimed invention as a whole in
claims 1, 3 and 4 cannot be considered to be obvious. Stratoflex, Inc. v. Aeroquip
Corp., 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983).

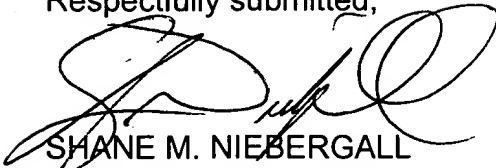
Even if a prior art reference can be found that teaches remote, wireless
15 transmission of telemetry to control some device, the mere fact that references can be
modified and combined with one another does not render the resulting modified
structure as "obvious" unless the prior art also suggests the desirability of the
combination. In re Mills, 916 F.2d 680, 16 USPQ 2d 1430 (Fed. Cir. 1990). A
statement that modifications of the prior art to meet the claimed invention would have
20 been "well within the ordinary skill in the art at the time the claimed invention was made
because the references relied upon teach that all aspects of the claimed invention were
individually known in the art" is not sufficient to establish a *prima facie* case of
obviousness without some objective reason to combine the teachings of the references.

1 Ex parte Leavengood, 28 USPQ 2d 1300 (Bd. Pat. App. & Inter. 1993). The very nature
of the handheld units described within the cited prior art and the distributed control
network taught by the Smith et al. reference indicate a lack of motivation in the art for
creating a single, wireless, hand-held unit that transmits telemetry directly to irrigation
5 components for controlling the same. To be sure, a person of ordinary skill in the art
would not have looked, on any objective basis, to the cited prior art for solving the
problem of a simplified method and means for reading the status of and controlling
irrigation components. The Examiner is respectfully requested to reconsider the
aforegoing rejections and allow claims 1, 3 and 4.

10 Claim 2 depends from claim 1 and is believed to be allowable for at least the
reasons set forth hereinabove with respect to claim 1. Moreover, claim 2 provides the
limitation that the "wireless RUI has the capability of reading the status of the irrigation
components and ancillary equipment and controlling the same from any location in the
15 field." The prior art fails to teach or otherwise suggest a wireless RUI having such a
capability. Accordingly, claim 2 is believed to be allowable and the Examiner is
respectfully requested to reconsider the aforementioned rejection and allow claim 2.

20 No fees or extensions of time are believed to be due in connection with this
amendment; however, please consider this a request for any extension inadvertently
omitted, and charge any additional fees to Deposit Account No. 502093.

Respectfully submitted,

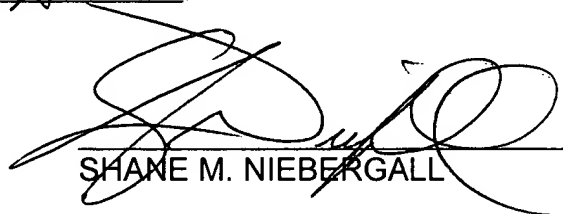


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CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT for BRUCE KREIKEMEIER, ET AL., Serial No. 09/778,367, was mailed by first class mail, postage prepaid, to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19th day of August, 2004.


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